



AFFIDAVIT OF JOSEPH ENGLANDER

STATE OF FLORIDA)
COUNTY OF BROWARD)

1. I am an associate at Christopher & Weisberg, P.A. ("Christopher & Weisberg") and previously affiliated with the law firm of Malin, Haley & DiMaggio, P.A. ("Malin Haley").
2. I was responsible for overseeing the docketing of all correspondence with the U.S. Patent and Trademark Office for U.S. Patent Application No. 10/709,477, an application having the applicant name "Sam Patterson" from the date responsibility for the application was transferred on July 29, 2004, to Malin Haley from the law firm of Webb, Lewis & Meyers, LLC. ("Webb Lewis") I was also responsible for the files after they were transferred to Christopher & Weisberg in the month of April, 2005.
3. A Notice to File Missing Parts was sent to Webb Lewis on July 1, 2004. This document, and the information contained therein, was never forwarded to Malin Haley or Christopher & Weisberg. If a Notice to File Missing Parts had been received by Malin Haley or Christopher & Weisberg for U.S. Patent Application No. 10/709,477, it would have been routed to my clerk, and I would have personally verified its proper docketing in the docketing system.
4. A Notice of Abandonment was received by Malin Haley on July 6, 2005. The Notice was forwarded to me at Christopher & Weisberg in mid-July. I obtained telephonic information regarding the Notice to File Missing Parts from the U.S. Patent and Trademark Office. I promptly prepared the attached Petition to Revive.
5. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 USC 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

FURTHER, AFFIANT SAITH NOT.

Joseph R. Englander

STATE OF FLORIDA)
COUNTY OF BROWARD)

The foregoing instrument was sworn to and subscribed before me this 6th day of September, 2005, by Joseph R. Englander, who is personally known to me.

Susan D. Wishaw
Notary Public
(Print Name of Notary Public) SUSAN D. WISHAW

My Commission Expires: 09/10/2009
19220

NOTARY PUBLIC-STATE OF FLORIDA

Susan D. Wishaw
Commission # DD454761
Expires: SEP. 10, 2009
Bonded Thru Atlantic Bonding Co., Inc.